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To: U.S. Patent and Trademark Office  
Mail Stop: Amendment  
Commissioner for Patents  
P.O.Box 1450  
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Attn: Ms. Kristie Shingles, Group Art Unit 2141  
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Date: December 8, 2004

Application Number: 09/886,224

Dear Kristie:

It is my pleasure to talk to you over the phone. This is in reply to the Office Action from your office, with Date Considered as 9/27/04. The item numbers in this reply is the item number in the Office Action. Attached are the copy of the Office Action Summary and revised patent disclosure.

### **Item 2, 3, 4**

We have modified wording and punctuation per your feedbacks and comments in the Detailed Action, attached is the revised version of the patent disclosure.

- Item 2: we have removed embedded hyperlink from the disclosure.
- Item 3, sub-items a-f: we have corrected the punctuation and wording.
- Item 4: missing punctuation has been corrected.

We, however, did not add any new claim or matter in the revised patent disclosure.

### **Item 6**

From item 6 of the Office Action:

6. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (USPN 6,134,584).

According to claim 1 of our patent disclosure:

1. A method for scheduling a download of a document from a source server via a browser client on a networked apparatus comprising the steps of:  
providing one or more fields for the entry of a source server, a start time, an end time, and starting the download of the document from said source server at said start time,  
and  
stopping the download of the document from said source server at said end time.

The method in the disclosure is part of browser client, that is, the feature is part of

Internet browser applications, such as Netscape Navigator, Microsoft Internet Explorer, etc.

According to USPN 6,134,584 by Chang, et al. as in the field of invention:

As This invention relates to data communications networks and, in particular, to methods and apparatus for accessing and retrieving information from a database, documents, files or web pages maintained by a network server. The methods and apparatus of this invention are particularly useful for scheduling the data download from the World Wide Web (WWW) without keeping the requesting computer system power on all the time till the upcoming download activities. The methods and apparatus of this invention also allow the user to download data from web sites requiring user id and password by supplying the previous stored user id and password on the requesting computer system.

and as in the claim 13 of Chang's patent 6,134,584,

13. A method as in claim 1, wherein the step of fulfilling the data download request, comprising the steps of:

setting the system timer at the wake-up time according to the data download schedules;

automatically turning on the requesting computer system according to the system timer if the requesting computer system is not turned on; and

dialing up to connect to the network;

generating a network busy signal to the Internet Data Download Schedule for rescheduling the data download according to the user's input of options and choices if the network is busy.

The method and apparatus in the Chang's patent does not reside within the browser as in our patent disclosure, otherwise, the browser application on the machine which has been powered off won't be able to turn on the machine and start the downloading. The method and apparatus in Chang's patent must reside on the device or application other than the browser application, so that it can power on the machine.. Therefore, the Chang's patent is not a prior art of our patent disclosure, and item 6 and the sub-items a-h do not relate to our patent disclosure, the claims 1-5, 10-12 in our patent disclosure should be valid claims and should not be rejected based on Chang et al's patent.

## ***Item 7***

According to item 7 of the Office Action:

7. Claims 13, 15 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson (USPN 6,769,019).

a. Per claim 13, Ferguson teaches a method for scheduling a playback of a saved document via a browser client on a networked apparatus comprising the steps of: providing one or more fields for the entry of start time, and opening said saved documents at said start time, and rendering the document onto said browser (Abstract and col.2 lines 39-46; system allows for user to select a time for displaying the downloaded data).

- b. Per claim 15, Ferguson teaches the method of claim 13, further including the steps to set a time interval as a time period between opening one saved document and the next saved document (col.2 lines 43-46; advertisements are displayed according to their time slot position for a fixed period of time).
- c. Per claim 17, Ferguson teaches a method for scheduling a download of a document from a source server via a browser client on a networked apparatus comprising the steps of: download said document from said source server, and scheduling said download at a start time according to a time stamp, and starting the download of the document from said source server at said start time (col. 13 lines 5-55; start time and priority of download and is based upon the date time stamp).
- d. Per claim 18, Ferguson teaches the method of claim 17 wherein said time stamp is embedded in the downloaded document from said source server (col. 13 lines 56-67; system can receive time stamp information for web server's/web page's "modified since" field).
- e. Per claim 19, Ferguson teaches the method of claim 17, further including the steps to set said start time (col. 13 line 5-col.14 line 14; the time stamp of the last update and last download is used to determine the start time for other downloading).
- f. Per claim 20, Ferguson teaches the method of claim 17, further including enabling of the setup of said download scheduling based on the presence of said time stamp (col. 13 line 5-col.14 line 14; for determining the priority of download requests, time stamps are used for scheduling and organizing downloads).

According to USPN 6,769,019, "Method of background downloading of information from a computer network" by Ferguson.

#### FIELD OF THE INVENTION

This invention relates generally to the worldwide computer network known as the Internet, and more particularly to a method for maximizing the bandwidth on this network.

#### The SUMMARY OF THE INVENTION

The invention is an advertiser-supported interactive Web accelerator. It is a method for maximizing the use of available bandwidth while browsing the World Wide Web section of the Internet, by allowing users to dynamically pre-select content to be viewed next. The method reduces or eliminates the waiting associated with using the World Wide Web. The method utilizes an interface which displays itself in accompaniment with known Web browser software, onto which the user can dynamically select hyperlinks from a Web page displayed in the window of a browser by "dragging-&-dropping" them with a pointing device, such as a mouse. This procedure allows for the real-time background downloading of Web pages which the user designates as the next Web pages he/she wants to view, while he/she is viewing other content. These dragged-&-dropped links are downloaded in the background according to a sophisticated schedule of bandwidth priority when the connection between the client and the server is idle, and stored in a cache on the user's hard drive as Q-Links. The Q-Links stored in the hard drive cache are presented in a list in the interface of the invention. When the user is ready to view the previously selected pages, the user can click on any of the Q-Links in the list, which displays that content directly from hard drive cache to the browser. Since the requested pages now come from the hard drive instead of from across the Internet, the method significantly reduces or eliminates the user's wait time for downloading.

According to claim 1 of Ferguson's patent:

1. A method of enhanced downloading of information from a computer network to a computer operated by a user, the computer alternately downloading information from the computer network and not downloading information from the computer network, thereby causing one or more idle times, the method comprising:

accepting a user selection for additional information to be downloaded at a distinct graphical user interface **connected to** a web browser;

In Ferguson's patent, the method and apparatus are not part of the web browser application, it is "**connected to**" a web browser as indicated in claim 1 of Ferguson's patent. As indicated in our patent disclosure, the method and apparatus in our patent disclosure is part of the Internet browser applications (web browsers). Ferguson's patent is not a prior art to our patent disclosure. Besides, Ferguson's patent does not refer to any scheduler to perform downloading. The claim 13, 15, 17-20 in our patent disclosure are valid claims and should not be rejected based on Ferguson's patent.

### **Item 9**

According to item 9 in the Office Action reply:

9. Claim 6 is rejected under 35 U.S.C 103 (a) as being unpatentable over Chang et al in view of Williams (USPN 5,761,525).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to implement a notification or alert mechanism for informing users of overlapping downloading events for the purpose of allowing users to decide or confirm which event will take precedence over the other or if possible for both downloading events to occur simultaneously. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

We can agree to the item 9 of the Office Action.

### **Item 10**

According to item 10 in your reply:

10. Claims 8 and 9 are rejected under 35 U.S.C 103 (a) as being unpatentable over Chang et al in view of Ferguson (USPN 6,769,019).

a. Per claim 8, Chang et al teach the method of claim 1 as applied above, yet fail to teach the method of claim 1, further including the steps to set a new window flag for determining if said download will be performed by a new browser window of said browser. However, Ferguson teaches use of flag configuration information in the interface file used for determining a browser window and for a drag-and-drop window (col.5 lines 33-53, col.9 lines 50-58 and col.24 line 60-col.26 line 65).

As indicated in Ferguson's patent, the use of the new window in his patent is for drag-n-drop operation. It is well known that drag-n-drop operation is always associated with a source and a destination, the destination can be the same window or a different window in most cases. Therefore, using a new window is prima facie obvious in Ferguson's patent. We do not use drag-n-drop operation, and therefore, using a new window is not related to Ferguson's patent, and it should not be considered as prima facie obvious. The claim 8, 9 should be valid claims.

## **Item 11**

According to item 11 of the Office Action:

11. Claims 7, 14, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al and Ferguson in view of Logan et al (USPN 5,721,827).

a. Per claim 7, Chang et al teach the method of claim 1 as applied above, yet fail to distinctly teach the method of claim 1, further including the steps to set the reminder for posting reminder to users. However, Logan et al teach the implementation of reminder messages to notify users of scheduled events (col.37 lines 14-26). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to implement reminder messages within the scheduling system for the purpose of notifying users in advance of scheduled events to take place. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

b. Claims 14 and 21 contain limitations substantially equivalent to claim 7, and are therefore rejected under the same basis.

c. Per claim 16, Ferguson teaches the method of claim 13 as applied above, yet fails to teach the method of claim 13, further including the steps to set a number as the number of times to open and render the saved document. However, Logan et al teach setting a number of times to play a downloaded program (col.7 lines 13-21, col. 15 line 42-col.16 line 20 and col.20 line 32-63).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to set a number as the number of times to open a downloaded document for the purpose allowing the document a number of times to be displayed to the user which can be for advertising or commercial purposes also. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

According to Logan's patent as in USPN 5,721,827, as in:

### **SUMMARY OF THE INVENTION**

In a principle aspect, the present invention take the form of a personalized information delivery system which provides information and entertainment programming to individual subscribers from a library consisting of a large number of diverse programs, and which incorporates mechanisms for selectively delivering a subset of those programs to a given subscriber based on that subscriber's characteristics, subject matter preferences and interests, and express requests.

As contemplated by the invention, the library of programs is created and maintained by a server subsystem to which a remotely located subscriber/player subsystem can connect by means of a conventional data transmission link, such as a dial up Internet connection. The programs making up the library are subdivided into program segments, one of which contains an audio presentation of the content of the program and, if that content includes a voice narrative, it is preferably accompanied by a text file transcript. Each program segment is associated with a subject category description which typically describes a plurality of related program segments, and a program topic description describes the content of each individual program segment. Combinations of these category and program descriptions which are of interest to a particular subscriber are transferred from the server subsystem to that subscriber's player subsystem, thereby providing a subject matter catalog from which the subscriber may expressly request particular programs.

Logan's patent is to deliver personalized information from server host to subscribers, therefore, posting reminder message to notify subscribers of scheduled events is obvious. In our invention, however, the download events are setup by the users on their own client browser applications instead of server. Therefore, it is not obvious to require the browser application to post reminder, and claim 7 should not be rejected under 35 U.S.C. 103(a), similarly, claim 14, 16, 21 should not be rejected under 35 U.S.C. 103(a).

## **Item 12**

You have mentioned the following prior art pertinent to our patent disclosure.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Peterson et al (USPN 6,594,682) disclose a client-side system for scheduling delivery of web content and locally managing the web content.
  - b. Miller et al (USPN 5,878,228) disclose data transfer server with time slots scheduling based on transfer rate and predetermined data.
  - c. Kaye et al (USPN 5,727,164) disclose apparatus for and method of managing the availability of items.

In Peterson et al's patent (USPN 6,594,682), as in claim 1:

a delivery subsystem, responsive to the event notification, to retrieve the Web content and an index of the Web content from the corresponding server;

In Peterson et al's patent, the delivery subsystem is to retrieve web content and an index of the web content, while in our patent do not need to retrieve index or build index of the web content. Therefore, it should be considered as pertinent.

Miller et al (USPN 5,878,228), is on data transfer protocol, according to the Summary of the Invention:

### **SUMMARY OF THE INVENTION**

It is an object of the present invention to provide a new and improved data transfer protocol and, in particular, a data transfer server implementing the protocol.

Our patent, however, is on the client to schedule download, therefore the patent and claims in Miller et al's patent are not pertinent.

Kaye et al (USPN 5,727,164), is to access inventory databases, according to the Summary of the Invention:

### **SUMMARY OF THE INVENTION**

The foregoing problems have been solved in accordance with the present invention by providing a system and method for managing the availability of items held by users of a network. The system permits users to access inventory databases from many offsite locations in order to retrieve and offer the inventory of particular items that the buyers and sellers are interested in.

It is not related to Internet browser applications as in our disclosure.

## **Conclusion**

In view of the information we provided, we think that all of the claims in our patent disclosure are valid claims except claim 6. If you have any question or comment, please let me know.

Thanks and Best Regards,



Alex Wu

## **Attachments:**

1. Office Action Summary.
2. Patent disclosure, revised to correct punctuation and wording.

# Office Action Summary

Application No.

09/886,224

Applicant(s)

WU ET AL

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/21/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.